



# OLR RESEARCH REPORT

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2012-R-0179

## SUMMARY OF LCO 3458

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You asked for a summary of LCO 3458 (SB 324—*An Act Concerning the Department of Emergency Services and Public Protection*).

### SUMMARY

This bill makes changes in the laws pertaining to professional bondsmen and bail enforcement agents. It:

1. requires professional bondsmen and bail enforcement agents to be at least age 21 and have a high school diploma or equivalent education;
2. allows the Department of Emergency Services and Public Protection (DESPP) commissioner to suspend or revoke the license of an agent or bondsman who is under a restraining or protective order for using or attempting to use force against someone;
3. requires (a) DESPP to approve bail enforcement agent badges and (b) an agent whose license is revoked or suspended to surrender his or her badge; and
4. requires annual firearms refresher training for professional bondsmen, bail bond agents, and bail enforcement agents issued a DESPP special firearms permit to carry firearms on the job.

The bill also requires DESPP to approve anyone who teaches a criminal justice course for bail enforcement agents or firearms safety course for professional bondsmen, bail enforcement agents, or surety bail bond agents. It costs \$50 to get or renew the approval, which is valid for two years. Teaching without the approval is a violation subject to a \$75 fine.

Finally, the underlying bill makes technical changes.

The bill takes effect on October 1, 2012.

## **AGE AND EDUCATION LICENSURE STANDARDS**

By law, professional bondsmen and bail enforcement agents must be licensed by DESPP. The bill establishes age and education requirements for licensure. It requires applicants (1) to be at least age 21 and have a high school diploma or equivalent education and (2) submit proof of these qualifications when they apply for a license. (It is unclear if someone currently licensed would be required to meet the education requirement to renew his or her license.)

## **LICENSE SUSPENSION AND REVOCATION**

The bill expands the grounds on which the commissioner may suspend or revoke a license. Under current law, he may revoke or suspend the license of a professional bondsman (1) convicted of a felony, (2) who engaged in any unlawful activity affecting his or her fitness to stay in business, or (3) whose financial responsibility has been substantially impaired.

Under current law, he may revoke or suspend, or refuse to issue, a license of a bail enforcement agent who:

1. violated pertinent laws or regulations;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in a license or renewal application;
4. demonstrated incompetence or untrustworthiness in conducting business;
5. was convicted of a felony, specified misdemeanors, or other crime affecting his or her honesty, integrity, or moral fitness; or
6. is unsuitable.

The bill additionally allows him to revoke or suspend the license of a professional bondsman or bail enforcement agent if the licensee is under a restraining or protective order for using or attempting to or threatening to use physical force against someone.

### **BADGE DISPLAY**

The bill prohibits an individual from wearing, carrying, or displaying a badge purporting that he or she is a bail enforcement agent without DESPP approval. If the commissioner suspends, revokes, or refuses to renew the individual's license, the agent must surrender the badge when surrendering the license. Failure to do so is an infraction.

### **FIREARM PROVISION**

By law, professional bondsmen, bail bond agents, and bail enforcement agents must obtain a special DESPP permit if they wish to carry firearms on the job. This is in addition to the gun permit required to carry handguns in the state. The bill conforms the law to current practice by specifying that DESPP cannot issue the special permit before the statewide permit is issued. It requires the licensee to complete an annual firearms safety and use refresher course approved by the commissioner as a condition of renewing the special permit.

### **CRIMINAL JUSTICE INSTRUCTORS**

#### ***Application for Approval as Instructor***

By law, (1) bail enforcement agents must successfully complete a criminal justice course of at least 20 hours in the five years before they are licensed and (2) bail bondsmen, bail enforcement agents, and surety bail bond agents carrying firearms on the job must complete training in firearms safety and get the special DESPP gun permit. Both courses must be approved by the DESPP commissioner. Beginning October 1, 2012, the commissioner must also approve instructors for both courses. The penalty for teaching without the approval is a \$75 fine for each offense. Each violation is a separate offense and each day of a continuing violation is also a separate offense.

Anyone seeking approval as an instructor must complete, under oath, a DESPP application, providing:

1. his or her name, address, date and place of birth; employment during the five years preceding the application; and education or training in criminal justice or firearms safety and use, as applicable;
2. any convictions for violations of the law; and
3. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may approve applicants he deems suitable and who meet the bill's requirements. The approval is valid for up to two years and costs \$50 to get and renew. He may not approve anyone (1) who has been denied a license as a professional bondsman or surety bail bond agent; (2) whose license has ever been revoked or suspended; or (3) who has ever been convicted of a felony or any of the following misdemeanors:

1. criminally negligent homicide (excluding deaths caused by motor vehicles);
2. 3<sup>rd</sup> degree assault;
3. 3<sup>rd</sup> degree assault of a blind, elderly, disabled, pregnant, or mentally retarded person;
4. 2<sup>nd</sup> degree threatening;
5. 1<sup>st</sup> degree reckless endangerment;
6. 2<sup>nd</sup> degree unlawful restraint;
7. 2<sup>nd</sup> degree failure to appear;
8. 1<sup>st</sup> and 2<sup>nd</sup> degree riot;
9. inciting to riot;
10. 2<sup>nd</sup> degree stalking; or
11. a first illegal drug possession offense.

### ***Suspension of Instructor Approval***

The commissioner may suspend, revoke, or deny an approval, after notice and hearing opportunity, on the same grounds that currently apply to a bail enforcement agent's licensee, namely, the person:

1. violated pertinent laws or regulations;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the application for issuance or renewal of the approval;
4. was incompetent or untrustworthy in conducting business;
5. has been convicted of any of the disqualifying crimes for approval or other crime affecting his or her honesty, integrity, or moral fitness; or
6. is unsuitable.

Aggrieved parties may appeal the commissioner's order to the Hartford Superior Court.

### ***Renewal of Approvals***

Requests for approval must be made on a DESPP form and include any information DESPP requires to determine an applicant's suitability to continue as an instructor. For a course approved by the commissioner on or before October 1, 2012, the bill gives the instructor until April 1, 2013 to apply for approval as an instructor.

### ***Address Changes***

The bill requires an instructor who changes his or her address to inform DESPP of the new address within two business days.

### ***Implementing Regulations***

The bill allows the commissioner to adopt implementing regulations governing the licensing standards for bail enforcement agents and approval standards for criminal justice instructors. By law, he must already adopt regulations for the approval of schools, institutions and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.